

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-00410-04-CR-W-DW
)	
EDWARD EARL SCOTT,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On November 28, 2006, the Grand Jury returned a thirteen count indictment against defendant Edward Scott. Defendant is charged with conspiracy to distribute and distribution of oxycodone, heroin and crack cocaine. In addition defendant is charged with being a felon in possession of a firearm.

On April 3, 2007, counsel for the defendant filed a motion pursuant to 18 U.S.C. § 4241 asking for a determination of defendant's mental competency. (Doc. # 71) As the defendant was on bond, the Court directed that the defendant undergo a psychiatric evaluation pursuant to 18 U.S.C. § 4241(b) at the offices of Dr. William Logan.

A hearing was held on August 14, 2007. Defendant appeared with counsel Steve Moss. The government was represented by Rudolph Rhodes. The only evidence presented was the report prepared by the Dr. William Logan. Dr. Logan concluded that although the defendant is able to understand the nature and consequences of the proceedings against him, his ability to assist his attorney is so marginal that the defendant is not competent to stand trial. According to the report, Mr. Scott suffers from mental retardation, has a limited vocabulary and a limited capacity to recall and utilize information. He was in special education classes throughout school. He has never functioned independently, and his needs have been met through the assistance of his family or the State. His ability to make an informed decision is very limited. In accordance with the evidence

presented at the hearing, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order finding that defendant Edward Earl Scott is incompetent in that he is presently suffering from a mental disease or defect, rendering him mentally incompetent to the extent he is unable to properly assist in his defense. It is further

RECOMMENDED that the Court commit defendant Scott to the custody of the Attorney General pursuant to 18 U.S.C. §4241(d)(1). The Attorney General shall hospitalize the defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future defendant Scott will attain the capacity to permit the trial to proceed.

Counsel are reminded they have ten days from the date of receipt of a copy of this Report and Recommendation within which to file and serve objections to same. A failure to file and serve objections by this date shall bar an attack on appeal of the factual findings in this Report and Recommendation which are accepted or adopted by the district judge, except on the grounds of plain error or manifest injustice.

_____/s/_____
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE